

Elizabeth J. Cabraser (SBN 083151)
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, California 94111
Tel: 415.956.1000 / Fax: 415.956.1008

Rafey S. Balabanian (SBN 315962)
EDELSON PC
123 Townsend Street, Suite 100
San Francisco, California 94107
Tel: 415.234.5342
Fax: 415.373.9495

[additional counsel listed on signature page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

In re:

PG&E CORPORATION

-and-

**PACIFIC GAS AND ELECTRIC
COMPANY,
Debtors.**

Case No. 19-cv-05257-JD

**STATEMENT OF CLASS CLAIMANTS
RE: INITIAL STATUS CONFERENCE**

Date: September 10, 2019
Time: 10:00 a.m.
Courtroom: 11

Bankr. Case No. 19-30088-DM

1 The undersigned plaintiffs, hereafter “Class Claimants,” are Camp Fire victims who filed a
 2 proposed class action lawsuit against PG&E in January 2019 and then, upon the debtors’
 3 bankruptcy petition, promptly filed a class proof of claim. *See* Northern District of California
 4 Claims Register, No. 19-30088 PG&E Corporation, Claim No. 1-1 (Kevin Burnett et al.), attached
 5 hereto as Exhibit 1.¹ Class Claimants are submitting this Statement to flag for the Court three
 6 issues that, in their view, will likely prove integral to these estimation proceedings but have not
 7 been raised in the Joint Statement submitted by other interested parties at Dkt. 13.

8 ***First***, in the coming weeks, Class Claimants anticipate the filing of one or more motions
 9 seeking class treatment of certain wildfire victims for certain claims.² For victims of the Camp
 10 Fire, the need for class treatment may be particularly acute, as thousands of Camp Fire victims
 11 remain unrepresented and/or unlikely to file claims prior to bar date of October 21, 2019. Causal
 12 factors include extreme emotional distress, homelessness, an abbreviated “claims period”
 13 necessitated by political pressures, and a PG&E-proposed notice program of dubious efficacy. For
 14 unrepresented and absent Camp Fire victims, the October 21 bar date threatens to effectively slash
 15 the relevant statute of limitations from two years to less than eleven months and, consequently, to
 16 result in a “claims rate” of substantially less than 100%. In light of the practical reality that 100%
 17 of PG&E’s trade creditors (*i.e.*, the banks and other institutions that *chose* to be PG&E’s creditors)
 18 will timely file their claims, Class Claimants believe that fundamental notions of fairness and
 19 justice may require class treatment of at least some claims in these estimation proceedings.

20 ***Second***, certain parties are likely to propose an estimation process based exclusively upon
 21 sampling of, or challenges to, individual claims filed by October 21, 2019. The Court should reject
 22 that overly-narrow approach, which—given that this bankruptcy is likely to result in a capped trust
 23

24 ¹ To be clear, four of the signatory law firms—Lief Cabraser Heimann & Bernstein, Edelson PC, Law Offices
 25 of Francis O. Scarpulla, and Hallisey and Johnson, PC—separately represent individual members of the Tort
 Claimants Committee (“TCC”). This Statement is not filed on behalf of the TCC or any of its members.

26 ² While the undersigned individuals filed a proposed class action arising from the Camp Fire, proposed class
 27 action lawsuits and proofs of claim have also been filed by other persons related the 2017 North Bay fires and certain
 law firm signatories to this filing—including the Law Offices of Francis O. Scarpulla and Hallisey and Johnson, PC—
 have sought to represent the putative class members in the underlying lawsuits.

1 for wildfire victims—would give PG&E exactly what it sought by filing bankruptcy: a “free”
 2 release from thousands of fire victims more than a year before the relevant statutes of limitations
 3 would otherwise expire. Class Claimants respectfully request the opportunity, after the filing of
 4 any motions for class treatment, to be heard by the Court on suggested approaches to estimation
 5 that would fairly and appropriately account for any certified classes of wildfire victims.

6 **Third**, and finally, Class Claimants believe that these estimation proceedings may well
 7 require the use of “innovative procedures,” Dkt. 1 at 7, to fairly and adequately account for the
 8 claims of unrepresented and absent wildfire victims. Given the extent to which those claimants are
 9 likely to rely upon expert testimony, the inevitable discrepancies between the relevant parties’
 10 experts, and the compressed time schedule for these estimation proceedings, Class Claimants
 11 respectfully propose that these proceedings may benefit from the use of concurrent expert witness
 12 proceedings, or “hot tubbing.” *See, e.g., In re Capacitors Antitrust Litig.*, No 14-cv-3264, Dkt.
 13 2411 (N.D. Cal. Aug. 5, 2019). Again, Class Claimants respectfully request the opportunity, after
 14 the filing of any motions for class treatment, to be heard by the Court on suggested approaches
 15 to—and benefits of—such procedures in this matter.

16
 17 Dated: September 5, 2019

Respectfully submitted,
**KEVIN BURNETT, LESLIE MOORE,
 DARWIN CRABTREE, SANDRA
 CRABTREE, JOSEPH GARFIELD,
 ROBERT ELDRIDGE, AND
 BENJAMIN GREENWALD D/B/A
 GREENWALD PEST DEFENSE.**

21 By: /s/ Elizabeth J. Cabraser

By: /s/ Rafey S. Balabanian

22 Elizabeth J. Cabraser (SBN 083151)
 23 Kevin R. Budner (SBN 287271)
 Evan J. Ballan (SBN 318649)
 24 Lieff Cabraser Heimann & Bernstein LLP
 25 275 Battery Street, 29th Floor
 San Francisco, California 94111
 26 Tel: 415.956.1000
 Fax: 415.956.1008

Rafey S. Balabanian (SBN 315962)
 Todd Logan (SBN 305912)
 Brandt Silver-Korn (SBN 323530)
 Edelson PC
 123 Townsend Street, Suite 100
 San Francisco, California 94107
 Tel: 415.234.5342
 Fax: 415.373.9495

27 *Co-counsel for Class Claimants*

Co-Counsel for Class Claimants

1 Francis O. Scarpulla (SBN 41059)
2 Patrick Clayton (SBN 240191)
3 Law Offices of Francis O. Scarpulla
4 456 Montgomery Street, 17th Floor
5 San Francisco, CA 94104
6 Tel: 415.788.7210
7 Fax: 415.788.0706

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12
13 *Counsel for Creditors Jeanette Smylie, GER*
14 *Hospitality, LLC, William N. Steel, Karen*
15 *Roberds, and Anita Freeman.*

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Jeremiah F. Hallisey (SBN 40001)
Hallisey and Johnson, PC
465 California Street, Suite 405
San Francisco, California 94104-1812
Tel: 415.433.5300

Counsel for Creditors Jeanette Smylie, GER Hospitality, LLC, William N. Steel, Karen Roberds, and Anita Freeman.

Deborah Renner (pro hac to be requested)
drenner@piercebainbridge.com
Claiborne Hane (pro hac to be requested)
chane@piercebainbridge.com
Michael Eggenberger (pro hac to be requested)
meggenberger@piercebainbridge.com
PIERCE BAINBRIDGE BECK PRICE & HECHT LLP
277 Park Avenue, 45th Floor
New York, New York 10172
(212) 484-9866

Michael Gottfried (SBN 146689)
mgottfried@lgbfirm.com
Royce Zur (SBN 273875)
rzur@lgbfirm.com
LANDAU GOTTFRIED & BERGER LLP
1880 Century Park East, Suite 1101 Los Angeles, CA 90067
(310) 557-0050

Counsel for Creditors David Herndon, Julia Herndon, Gabriell Herndon, Jedidiah Herndon, Estefania Miranda, Steven Jones, Gabriella's Eatery, Chico Rent-A-Fence, and Ponderosa Pest & Weed Control.